

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Clerk's Minutes  
Before the Honorable James O. Browning

**CASE NO.** CIV 24-0471 JB/SCY **DATE:** 5/21/2024

**TITLE:** *Ortega, et al. v. Lujan Grisham, et al.*

**COURTROOM CLERK:** L. Rotonda **COURT REPORTER:** J. Bean

**COURT IN SESSION:** 8:31 AM **TOTAL TIME:** 0:24

**TYPE OF PROCEEDING:** SCHEDULING CONFERENCE

**COURT RULING/DISPOSITION:** SEE BELOW

**ATTORNEYS PRESENT FOR PLAINTIFF(S):** **ATTORNEYS PRESENT FOR DEFENDANT(S):**

Carter Harrison  
Sean Nation  
Michael McCoy

Holly Agajanian  
Kyle Duffy  
Mark Allen

**PROCEEDINGS:**

**COURT IN SESSION: 8:31 AM**

**COURT:** CALLS CASE, COUNSEL ENTER APPEARANCES.

ADDRESSES PARTIES REGARDING PLAINTIFFS' EMAIL REQUESTING INSTANT HEARING.

**MR. HARRISON:** RESPONDS TO COURT'S QUERIES, INDICATES WOULD LEAVE MATTER OF TRO TO COURT'S DISCRETION AND SET HEARING ON PRELIMINARY INJUNCTION DURING JUNE.

**COURT:** ADDRESSES MR. HARRISON REGARDING TRO ISSUE, QUERIES MR. HARRISON REGARDING SAME.

**MR. MCCOY:** ADDRESSES COURT REGARDING SAME, INDICATES THAT IN SOME DISTRICTS COURT HAS DECIDED TRO ISSUE ON BRIEFING, OTHERS SET BOTH MATTERS FOR HEARING. NOTES THAT THE GOVERNMENT HAS NOT YET HAD AN OPPORTUNITY TO RESPOND TO TRO/PI MOTION.

**COURT:** INDICATES WILL SET PI HEARING IF PLAINTIFFS ARE NOT WANTING HEARING ON TRO IN

NEAR FUTURE.

ADDRESSES PARTIES REGARDING PROPOSED HEARING DATES DURING WEEK IDENTIFIED BY PLAINTIFFS, QUERIES PARTIES AS TO SAME.

**MR. HARRISON:** INDICATES AGREEMENT AS TO SAME.

**MS. AGAJANIAN:** RESPONDS TO COURT'S QUERIES, INDICATES PRELIMINARY AGREEMENT, WOULD ASK FOR SOME LATITUDE IF WITNESSES ARE NOT AVAILABLE. ASKS THAT COURT PERMIT WITNESSES TO APPEAR REMOTELY IF NEEDED.

**MR. HARRISON:** AGREES AS TO PROPOSAL THAT WITNESSES BE PERMITTED TO APPEAR VIA ZOOM.

**COURT:** AGREES AS TO ZOOM COMPONENT, NOTES THAT IF PLAINTIFFS ARE RESISTANT TO DELAYING HEARING FURTHER FOR PURPOSE OF DEFENDANT'S WITNESSES APPEARING, WILL LIKELY UPHOLD PLAINTIFFS' REQUEST AS TO SCHEDULING.

**MR. ALLEN:** AGREES TO SCHEDULING AND OTHER MATTERS REGARDING APPEARANCE OF WITNESSES.

**MR. HARRISON:** QUERIES COURT AS TO ITS PREFERENCE REGARDING PRELIMINARY DISCLOSURES RELATED TO EXPERTS.

**COURT:** QUERIES PARTIES REGARDING SAME, COUNSEL RESPOND TO COURT'S QUERIES. WILL SET DEADLINE FOR EXPERT DISCLOSURES IN ACCORDANCE WITH PARTIES' AGREEMENT.

**MR. MCCOY:** ADDRESSES COURT REGARDING POTENTIAL BRIEFING SCHEDULE.

**COURT:** NOTES THAT HEARING DATE IS SET FAR ENOUGH OUT THAT PARTIES COULD ADHERE TO NORMAL BRIEFING SCHEDULE, QUERIES MR. HARRISON AS TO SAME.

**MR. HARRISON:** AGREES TO SAME, NOTES THAT PARTIES WERE SERVED ON 17<sup>TH</sup>.

**COURT:** WILL START BY GOING BY LOCAL RULES, IF PARTIES NEED ADDITIONAL TIME, DIRECTS COUNSEL TO CONFER AS TO SAME.

QUERIES PARTIES REGARDING HISTORICAL TRADITIONS FOR GUN REGULATIONS, BURDEN SHIFTING

ON ISSUES.

**MS. AGAJANIAN:** RESPONDS TO COURT'S QUERIES.

**MR. HARRISON:** INDICATES THAT ISSUE WILL BE SUPPORTED BY PARTIES' RESPECTIVE EXPERT WITNESSES, REVIEWS PLAINTIFFS' POSITION AS TO HISTORICAL ANTECEDENT ISSUE.

**COURT:** NOTES THERE IS POTENTIAL FOR SCOTUS TO HAVE HANDED DOWN ITS DECISION ON RELEVANT CASE PENDING BEFORE IT PRIOR TO FORTHCOMING HEARING IN INSTANT CASE.

ADDRESSES MR. HARRISON, ASKS THAT PLAINTIFFS' COUNSEL DISCUSS PREFERRED TIMING OF COURT'S RULING ON TRO/PI MOTION FOLLOWING HEARING.

QUERIES PARTIES AS TO WHETHER THERE IS ANYTHING FURTHER THAT SHOULD BE DISCUSSED, COUNSEL INDICATE THERE IS NOT.

**COURT IN RECESS: 8:55 AM**